

REMARKS

Applicants respectfully request reconsideration and withdrawal of the rejection of the claims. By way of the present response, claims 1, 16, 18, 19 and 22 have been amended to address the minor informalities noted in the Office Action. Claims 1-3 and 11-22 currently are pending.

On page 2 of the Office Action, claims 18 and 19 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. The Action points out that the preambles of dependent claims 18 and 19 recite an “organometallic complex,” but independent claim 17 recites a “light emitting device.” While Applicants appreciate the Examiner noting this inadvertent informality, it is believed such obvious typographical errors should not warrant a rejection under Section 112. In any event, the preambles of claims 18 and 19 have been changed to correspond to the preamble of claim 17. As such, Applicants request that the rejection under Section 112, second paragraph, be withdrawn.

Applicants also note with appreciation the Examiner pointing out the inadvertent error present in the Verification of Translation submitted on September 20, 2005, in connection with the English language translation of Japanese Patent Application Serial No. 2002-368990. As correctly noted by the Examiner, the verification statement refers to the present application instead of the priority document. Applicants’ are preparing a corrected Verification of Translation for the translated document previously submitted and will submit the corrected verification shortly.

The Office Action includes a rejection of claims 1-3, 11-14 and 16 under 35 U.S.C. § 102(e) as being anticipated by Hamada et al. (U.S. Patent Application Publication No. US 2003/0194580 A1), and a rejection of claims 17-20 and 22 under 35 U.S.C. § 103(a) as being unpatentable over the Hamada et al. publication in view of Yamazaki et al. (U.S. Patent Application Publication No. US 2001/0050373 A1) or Kamatani et al. (U.S. Patent Application Publication No. US 2003/0059646 A1). As indicated above, shortly Applicants will be submitting a corrected Verification of Translation to overcome all rejections based on the Hamada et al. publication. It is respectfully requested that the Examiner hold these rejections in abeyance until the corrected Verification of Translation is received in the Patent Office.

The Action also includes rejections under 35 U.S.C. §103(a), of claims 1-3 and 11-16 as allegedly being unpatentable over the Thompson et al. publication (U.S. Patent

Application Publication No. US 2002/0034656 A1), and of claims 17-22 as allegedly being unpatentable over the Thompson et al. publication in view of the Yamazaki et al. or Kamatani et al. publications. These rejections are respectfully traversed, as the Thompson et al. publication, whether considered individually or in combination with the Yamazaki et al. or Kamatani publications, fails to describe or suggest the combinations of features set forth in independent claims 1, 11 and 17.

In the most recent Office Action, in response to Applicants' arguments presented in the remarks of the July 14, 2005 Amendment that an organometallic complex including, among other claimed features, a substituent R₂ limited to an alkyl group, an aryl group, a substituted aryl group, a heterocyclic group, or a substituted heterocyclic group, the Examiner revises the statements of the rejection to assert the following:

Further, the phenylimine formula shown in Thompson's Fig. 49 does not show a substituent at the position corresponding to the present R₂ but, based on paragraphs [0172]-[0173] in particular, one of ordinary skill in the art at the time of the invention would have reasonably expected that phenylimine ligands having an alkyl or aryl group at this position instead of hydrogen could be used to make Thompson's compounds of formula L₂MX.

Applicants respectfully submit, however, that paragraphs [0172]-[0173] of the Thompson et al. publication only disclose Ir(ppy)₃ (i.e., a compound corresponding to the formula L₃M) and otherwise fail to teach or suggest L₂MX, much less a substituent R₂ limited to an alkyl group, an aryl group, a substituted aryl group, a heterocyclic group, or a substituted heterocyclic group for these compounds. Thus, the phenylimine formula shown in Fig. 49 of Thompson et al., which relates specifically to organometallic molecules of the formula L₂MX, does not disclose, imply or suggest the ligand of the formula 2 recited in independent claims 1, 11 and 17. Moreover, Applicants submit it is not appropriate to combine the formula of the relied upon paragraphs [0172]-[0173] of the Thompson et al. publication with the compound of the formula L₂MX, where L may be a phenylimine and X may be a monoanionic ligand because there is no teaching or suggestion to do so in Thompson et al.

Hence, contrary to the Office's assertion that a *prima facie* case of obviousness has been established, the Office provides no factual evidence for its position that Thompson teaches or suggests "the complex of present formula 2 in which any of R1-R6 is an alkyl or aryl group," as asserted in the Action at lines 8-9 of page 8. As pointed out in Applicants' July 14, 2005 response, any such statement based on conjecture is not sufficient for establishing *prima facie* obviousness. Additionally, as there is no teaching or suggestion in

Thompson et al. for the proposed modification to arrive at Applicants' claimed invention, it can only be concluded that the motivation for the proposed changes to the formulas taught in Thompson et al. is found only in Applicants' own disclosure. Such hindsight based reasoning is, of course, impermissible.

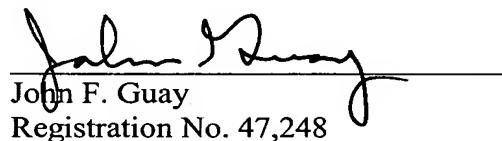
Furthermore, the present invention facilitates synthesizing an organometallic complex that can obtain a white or whitish luminescent material for phosphorescence (e.g., see page 9, line 14 to page 10, line 2, page 20, lines 6-13, page 29, lines 8-12, and Fig. 3). The above cited documents do not disclose, teach or suggest a white or whitish luminescent material. Such disclosure further demonstrates differences between the present invention and the Thompson et al. description, and why Thompson et al. does not suggest what is presently claimed. The Office's statements on page 8 of the Office Action, which concern demonstrating superior/unexpected results are believed misplaced, as Thompson et al. does not teach or suggest an organometallic complex as claimed.

It is respectfully submitted that neither the Yamazaki et al. publication nor the Kamatani publication applied in rejecting claims 17-22 remedies the shortcomings pointed out above with respect to the Thompson et al. publication. Thus, even if one were to consider combining these documents as proposed, any such combination would not have taught or suggested each and every feature in the combinations set forth in independent claims 1, 11 and 17.

For at least these reasons, claims 1, 11 and 17 are considered allowable. Claims 2, 3, 12-16 and 18-22 depend from one of claims 1, 11 and 17, and are therefore allowable for at least the above reasons, and further for the additional features recited.

As all the objections and rejections raised in the Office Action are addressed above, it is requested that the Examiner provide indication that the application is allowable, so that the application be passed to issue without further delay. Prompt notification of the same is earnestly solicited.

Respectfully submitted,



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